

**Senate Sex Offender Package
February 8, 2006**

Bill # and Sponsor	Title and Contents
6144 Stevens	Registration requirements for new and returning residents <ul style="list-style-type: none">• New/returning WA residents must register in WA for all crimes committed on, <i>before</i> or after 1990. Parallels current requirements for WA residents.• Time a new/returning sex offender has to register changed from 30 days to 3 business days
6172 McAuliffe	Relating to increasing penalties for the crimes of possession of depictions of a minor engaged in sexually explicit conduct; voyeurism; and communication with a minor for an immoral purpose <ul style="list-style-type: none">• Creates crime of communicating with a minor for an immoral purpose <i>through an electronic communication</i> –added as C felony under 9.68A.090• Possession of Depictions of Minor Engaged in Sexually Explicit Conduct (child pornography)<ul style="list-style-type: none">○ made a class B felony, and ranked at seriousness Level VI○ made a sex offense, requiring registration○ explicitly made eligible for SSOSA• Voyeurism ranked at seriousness Level II
6315 Carrell	Relating to liability protection for landlords <ul style="list-style-type: none">• Landlords who rent to sex offenders are immune from liability for damages caused by the tenant• Intent section discusses need for sex offender housing• WASPC will do study regarding other states sex offender registration laws, including reporting requirements and housing of sex offenders.
6319 Regala	Relating to failure to register as a sex offender <ul style="list-style-type: none">• Clarifies the crime of failure to register by providing that a person who knowingly fails to comply with <i>any</i> of the requirements of the registration statute is guilty of a class C felony• Provides for community custody for failure to register for a first offense equal to community custody for sex offenses with sentences greater than one year (36-48 mo).• Ranks crime of failure to register at Level II for second and subsequent offense (first remains unranked felony)
6320 Regala	Relating to a model policy for disclosure of sex offender information <ul style="list-style-type: none">• The 1997 provisions creating a WASPC model policy on sex offender community notification are re-enacted and amended• Adds additional members to group to be consulted in updating policy: Washington Association of Cities, WACDL, CJTC, OSPI, WACSAP.• Requires WASPC to create model statewide policy on notification to schools regarding juvenile sex offenders in schools and to monitor law enforcement reclassification of offender risk levels.
6322 Regala	Relating to electronic monitoring of sex offenders <ul style="list-style-type: none">• Within existing resources DOC may select sex offenders for electronic monitoring.• Electronic monitoring technology used will be that appropriate for the individual circumstances of the offender• "Electronic monitoring" means the monitoring of an offender using an electronic offender tracking system including, but not limited to, a system using radio frequency or active or passive global positioning system technology.• Provides liability immunity provisions for DOC, the monitoring agency, local law enforcement, and any employee if no gross negligence

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6325 Regala	Relating to establishing residence restrictions for sex offenders <ul style="list-style-type: none"> Removes expiration date for HB 1147 (Chapter 436, Laws of 2005) that established “community protection zones” An offender sentenced for a first two-strikes offense against a minor victim is prohibited from living within 880 feet of a public or private school. DOC and local law enforcement agencies are immune from liability if they make a good faith effort to comply with this law. This law supersedes and preempts the laws of all local governments regarding the same subject matter.
6406 Hargrove	Relating to assault of a child in the second degree <ul style="list-style-type: none"> Adds assault of a child 2nd degree, sexual motivation to persistent offender (2-strikes) crimes Adds assault of a child 2nd degree, sexual motivation to determinate plus crimes
6409 Hargrove	Relating to prohibiting offenders who enter Alford and Newton pleas from receiving the sex offender sentencing and disposition alternatives <ul style="list-style-type: none"> In order to be eligible for the SSOSA or the SSODA under a plea agreement, a defendant must admit to commission of the crime with which he or she is charged. An offender making an “Alford plea” or “Newton plea” is no longer eligible for SSOSA or SSODA.
6460 Hargrove	Relating to crimes committed with sexual motivation <ul style="list-style-type: none"> Creates mandatory increased sentencing enhancement for all felonies committed with sexual motivation. Increase must be added to total of any sentence of confinement Enhancements are 2 yrs for Class A felony, 18 months for Class B; one year for Class C. Twice the enhancements must be applied if the offender has been sentenced previously under new enhancement provisions. Would not prohibit offender otherwise eligible from getting a SSOSA Judge still has ability to use sexual motivation as aggravating circumstances
6465 McAuliffe	Relating to creating the crime of failure to cooperate with law enforcement regarding another's failure to register Creates a new, unranked class C felony for when a person has reason to believe that a sex offender subject to registration requirements is not complying and who, with the intent to assist the offender in eluding law enforcement: <ul style="list-style-type: none"> Harbors or attempts to harbor, or assists another in harboring or attempting to harbor the person; Conceals or attempts to conceal the person; Provides information to the law enforcement agency regarding the person or the person’s noncompliance with registration with the knowledge that it is false information.
6478 Regala	Relating to protection of sexual assault victims <ul style="list-style-type: none"> Creates a process for a person to obtain a sexual assault protection order if she or he is a victim of nonconsensual sexual contact. A person may petition on behalf of a victim who is a minor child, a vulnerable adult, or any other adult who, because of age, disability, health, or inaccessibility, cannot file the petition An ex parte sexual assault protection order may be issued if, by a preponderance of the evidence, the petitioner establishes that she has been a victim of nonconsensual sexual contact by the respondent and there is good cause to grant the remedy Final sexual assault protection order is effective for a fixed period of time not to exceed two years. Any knowing violation of a sexual assault protection order is a gross misdemeanor and also constitutes contempt of court. Second and subsequent violations are C felony.

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6479 Regala	Revising the privilege for sexual assault advocates <ul style="list-style-type: none"> • Current law provides that a sexual assault advocate may not be examined as to any communication made by the victim to the advocate, unless the victim consents. • The bill clarifies that the communications <i>between</i> the sexual assault advocate and victim are privileged.
6502 Roach	Relating to creating a statewide automated victim information and notification system <ul style="list-style-type: none"> • WASPC must integrate a victim notification system into its electronic statewide central booking and reporting system. • Crime victims may subscribe to the system and indicate how they would like to receive notice, by either e-mail, telephone or post. • Agencies affected are limited to jails and DOC facilities. • Limits liability for acts committed without gross negligence. • Requires victim's information be kept confidential. • Sets reliability standards for the automated system.
6519 Benton	Relating to county sheriffs monitoring registered sex offenders <ul style="list-style-type: none"> • Requires Level III sex offenders to report in person to the county sheriff every 90 days. • Level III offenders can petition for removal of the “every 90 days” requirement after 5 years in the community with no violations. • The county sheriff can require a registered sex offender to be photographed at any time to update the sex offender’s information
6576 Hargrove	Relating to forwarding of sex offender information <ul style="list-style-type: none"> • In addition to other relevant information, a county sheriff must forward the sex offender's risk level classification to the Washington State Patrol, for inclusion in the state's central registry of sex offenders and kidnapping offenders.
6580 McAuliffe	Relating to sex offender and kidnapping offender notification and information sharing in schools <ul style="list-style-type: none"> • Directs OSPI, in consultation with others, to create model policies on how schools and personnel should respond when notified about offender attending school. • Directs Washington Coalition of Sexual Assault Programs, in consultation with WAPA, WASPC, and OSPI to develop educational materials for families and communities on how to prevent victimization, particularly that of young children, and how to take advantage of community resources for victims of sexual assault. (floor striker)
6775 Hargrove	Criminal trespass against children <ul style="list-style-type: none"> • Creates a new crime of trespass against children, a class C felony, ranked at seriousness level IV. • An owner, employee, or agent may order any level II or level III sex offender, who at any time has been convicted of a specified sex offense against a minor, to leave the premises of a facility that is a “covered entity.” • Defines a “covered entity” as one which has as its <i>significant</i> purpose, at any time, to provide for the education, care, or recreation of a child or children, including but not limited to community and recreational centers, playgrounds, schools, swimming pools, and state or municipal parks. • Does not apply to those under jurisdiction of JRA or SSODA. • The person who works at the facility must give the offender ordered to leave a written notice, informing him that he must leave and may not return without the written permission of the facility or he will be committing criminal trespass against children. • If the offender who has been ordered to leave refuses to leave or returns without permission, that offender may be charged and prosecuted for the crime of criminal trespass against children. • An owner, employee, or agent of the facility is not liable for any act or omission in connection with ejecting the person from the facility.

Note: 5042 McCaslin Tolling the statute of limitations for felony sex offenses *Passed Senate 1/16/06 and is currently in House CJC Committee*

- Establishes that current limitation periods for prosecuting felony sex offenses begin to run from the later of:
 - the date the crime is committed; or
 - one year from the date on which the identity of the offender is conclusively established by DNA testing.

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